



## Kyrgyz Republic

### Country Reports on Human Rights Practices - [2004](#)

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Although the 1993 Constitution defines the Kyrgyz Republic as a democratic republic, President Askar Akayev continued to dominate the Government. Serious irregularities marred 2003 a national constitutional referendum as well as presidential and parliamentary elections in 2000. In October, nationwide local elections were generally free from governmental interference and opposition candidates and parties were allowed to participate freely in the political process, although domestic monitors reported serious irregularities in some districts. The Constitution provides for an independent judiciary; however, the executive branch usually dominated the judiciary.

Law enforcement responsibilities are divided among the Ministry of Internal Affairs (MVD) for general crime, the National Security Service (SNB) for state-level crime, and the procurator's office for both types of crime. Civilian authorities generally maintained control of the MVD and the SNB, and maintained full control of the State Border Guard Service (SBGS). Some members of the security forces committed serious human rights abuses.

The country had a partial market-based economy based on a mixed balance of agricultural and industrial production and a population of approximately 5 million. According to official statistics, gross domestic product grew by 7.3 percent. Unemployed workers, pensioners, and government workers with low salaries or unpaid benefits continued to face considerable hardship. According to official estimates, 40 percent of the population lived below the poverty level, although this figure continued to drop. Wages kept up with inflation.

The Government's human rights record remained poor; although there were improvements in several areas, problems remained. Citizens' right to change their government remained limited and democratic institutions remained fragile. Members of the security forces at times beat or otherwise mistreated persons, and prison conditions remained poor. Impunity remained a problem, although the Government took steps to address it during the year. There were cases of arbitrary arrest or detention. Executive branch domination of the judiciary as well as corruption limited citizens' right to due process. The Government occasionally restricted freedom of speech and of the press, and individuals and companies close to the Government used financial means to control numerous media outlets. The Government used bureaucratic means to harass and pressure some independent media as well as nongovernmental organizations (NGOs). Although human rights groups were generally allowed to work freely, and a government Ombudsman's Office continued to work actively to advocate for individual rights, the Government continued to occasionally harass and pressure some groups. Violence against women and children was a problem. Child labor and discrimination against ethnic minorities were problems. Trafficking in persons was a persistent problem.

During the year, however, the Government's human rights record showed improvement in some areas. Prison conditions remained poor but continued to improve during the year. Numerous MVD officials were dismissed or prosecuted for abuses or misconduct. Harassment of opposition groups and independent media, including honor and dignity lawsuits against newspapers, declined considerably, and the Government allowed several independent media outlets to begin operations. Although the Government occasionally restricted freedoms of assembly and association, in October, the Constitutional Court struck down provisions of the law on public assembly that were widely considered vague and too restrictive, while the number of demonstrations disrupted by police declined considerably. A new Electoral Code signed into law in January was a significant improvement over the previous code and was welcomed by domestic NGOs and opposition parties, although it still fell short of international standards. Citizens' right to choose their government showed some improvement through local elections held in October, which were widely seen as more transparent. The Government took steps to combat trafficking in persons, with prosecutions and convictions of traffickers up significantly from 2003.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including

#### Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, on October 24, Tashkenbay Moidinov died while in police custody in a police station in the Bazarkorgon district of Jalalabad Oblast. Police authorities claimed that Moidinov died of a heart attack during interrogation. However, an autopsy revealed bruises on his body. An investigation into the case continued at year's end.

In February, an official investigation determined that drowning caused the 2003 death of Ernis Nazalov, a journalist who had been investigating government corruption when he died under suspicious circumstances. Following this determination the investigation was closed.

Unlike the previous year, there were no deaths due to landmines.

The case regarding the March 2003 killing of 19 Uighur Chinese citizens on a bus remained under investigation and no arrests had been made by year's end.

In March, two men arrested for the killing of a Chinese diplomat in 2002 were extradited to China where they were subsequently executed.

Unlike the previous year, Uzbekistan border patrols did not kill any Kyrgyz citizens.

#### b. Disappearance

On November 16, political opposition figure Tursunbek Akunov disappeared in Bishkek while heading for what he claimed was a meeting with representatives of the SNB. Two weeks later Akunov reappeared at a Bishkek hospital. Akunov claimed that he had been taken by representatives of the MVD and held in a basement for that period. Akunov further alleged that members of the SNB had also been involved in his disappearance. Both the MVD and SNB immediately denied any involvement in Akunov's disappearance. At year's end, an investigation continued into Akunov's disappearance.

On April 8, four Kyrgyz government officials were reportedly taken hostage and then released by a group of Uzbekistani farmers near the Kyrgyz town of Aksy as part of an ongoing dispute over contested farmland between Kyrgyz and Uzbek farmers.

No other cases of politically motivated or government-sponsored disappearance were reported during the year.

Local human rights advocates reported that there were 13 Kyrgyz citizens serving sentences in Uzbek prisons who were kidnapped from Kyrgyzstan by the Uzbek Security Services, noting that figures reported in previous years were most likely inflated. Most of these individuals had earlier lived and studied religion in Uzbekistan.

There were no developments in the 2003 disappearance of mullah Sadykjan Rahmanov, which investigators attributed to the Uzbek National Security Service.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, police and SNB forces employed them. At times, police used beatings to extract confessions. There were some credible reports that police mistreated human rights activists and demonstrators while in detention. Conditions for pretrial detainees remained poor.

In January, police in Bishkek reportedly tortured Valentina Khasanova, a murder suspect, by repeatedly holding a plastic bag over her head until she fainted. When Khasanova's attorney threatened to investigate the case, the police warned her not to open an investigation. Khasanova was never charged with a crime and was later released by the police.

On January 30, police detained and beat six men in Jalalabad accused of possessing literature from the banned Islamist political organization, Hizb ut-Tahrir. All of the men were released after several hours, and one was later charged with possession and distribution of materials inciting ethnic or religious hatred; however, the charges were eventually dismissed. After the men filed an official complaint, one of the officers involved was charged and convicted of exceeding official authority and given a 1-year suspended sentence.

On April 15, human rights advocate Aziza Abdirasulova reported that she had been punched in the stomach while in police detention following her arrest for taking part in a demonstration in Bishkek. She was released the same day.

In June, an official of the opposition Ar-Namys political party, Darman Jorobekov, was detained for violating the public order and reportedly beaten by police in the city of Jalalabad. According to Ar-Namys, Jorobekov was released from detention the same day with apologies from the police for mistreatment. Jorobekov filed a lawsuit against the police, which was pending at year's end.

Unlike the previous year, there were no reports that police harassed asylum seekers or homosexuals.

Prison conditions were very poor and included overcrowding, food and medicine shortages, poor health care/disease prevention facilities, and lack of heat and other necessities. However, conditions continued to improve since the transfer of authority over prisons to the Ministry of Justice (MOJ) in 2002. Penal Reform International reported that both food supplies and medical services provided to inmates improved during the year. Both morbidity and mortality rates also declined, particularly that resulting from tuberculosis (TB).

Prisoners detained by the SNB were kept in SNB facilities; after conviction they were held in a regular prison. Conditions in SNB facilities tended to be better than MOJ facilities due to less crowding.

During the year, the MOJ worked with the ICRC to implement a successful nationwide TB program in prisons. However, in May the MOJ reported that 68 percent of prison inmates suffered from serious diseases such as TB, hepatitis, HIV infections, and sexually transmitted diseases (STDs). Throughout the year the DSPI worked actively with the International Committee of the Red Cross (ICRC) and NGOs to improve conditions at prisons and jails around the country, including seminars for prison officials on protecting the human rights of inmates and projects to improve hygiene and health care in prison facilities. For the first time, the Department Supervising Penal Institutions (DSPI) medical service was able to examine nearly all prisoners for TB. As a result, 2,937 persons were diagnosed with different forms of TB. The DSPI also reported that timely diagnosis and better treatment reduced TB death rates by 27.1 percent during the year (from 231 deaths in 2003 to 148). During the year, prisoners were also examined for STDs, including HIV/AIDS.

Pretrial detention facilities were extremely overcrowded, and conditions and mistreatment generally were worse than in regular prisons. However, during the year two new pretrial facilities were opened, one for women and one for men.

On February 22, Ulugbek Kadirov was found dead in his cell in an MVD temporary detention center in the town of Kara-Suu. An autopsy revealed that he had been beaten to death. Although the victim's family alleged that jail officials had killed Kadirov, the victim's cellmate confessed to the killing and was awaiting trial at year's end.

On March 19, an inmate in a pretrial detention center in Naryn died as a result of self-inflicted wounds. A group of inmates, including the victim, cut their wrists in protest during a jail riot. An investigation continued into the circumstances behind the riot.

Male and female prisoners were held separately. Conditions in the women's prison were less overcrowded than in those for men. Juveniles were held separately from adults. Pretrial detainees were held separately from convicted prisoners.

The Government usually permitted domestic and international human rights observers to visit prisons; however, access for domestic monitors to MVD and SNB pretrial facilities generally worsened during the year. The ICRC was allowed to visit detainees in MOJ and SNB prisons and pretrial detention centers in accordance with the ICRC's standard procedures and was granted access to inmates on death row. According to Prison Reform International (PRI), the prison system generally became more open to both NGOs and the media during the year.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, police at times used false charges to arrest persons and solicited bribes in exchange for release.

Within the MVD there are nine regional offices, one in each of the seven regions and the cities of Bishkek and Osh. Under them are town and local police departments. Regional offices and their sub-offices report to both the MVD and to their respective local authorities such as governors and mayors.

Impunity remained a problem; however, during the year numerous MVD officials were dismissed and prosecuted for various offenses, including corruption, abuse of authority, and police brutality. Police brutality was prosecuted under provisions regarding abuse of power and exceeding authority. According to the MVD, during the first 6 months of the year, 50 criminal cases were opened against 64 police officers, of which 28 were for abuse of power or exceeding authority; 4 criminal cases for malfeasance and fraud were initiated; and 16 police officers were punished for taking bribes. Disciplinary actions were taken against 1,100 MVD employees; 150 employees were fired and 69 demoted. The MVD reported that during the first 6 months of the year, 304 complaints were filed for abuse or illegal conduct by police officials; 101 of the complaints resulted in disciplinary action being taken against police officials. Corruption, particularly the payment of bribes to avoid investigation or prosecution, was a major problem at all levels of the law enforcement organizations. The Government took significant steps to address the problem of corruption in the police force (see Section 3).

The prosecutor general's office determined who could be detained, arrested, and prosecuted. The prosecutor general must issue an arrest warrant before a person may be detained, and there were no reports that this provision was abused. The Criminal Code permits law enforcement officials to detain suspects for 72 hours before releasing them or charging them with a crime, and this was generally enforced in practice. The Criminal Procedure Code requires notification of a detainee's family by the investigator within 12 hours of detention; however, this requirement often was not observed in practice.

Persons arrested or charged with crimes have the legal right to defense counsel; if a suspect was charged, the procurator was required to advise defense counsel immediately. Defense counsel is permitted to visit the accused within the first 3 days of incarceration; however, at times the accused did not see defense counsel until trial. Human rights groups noted that children who were arrested usually were denied lawyers. Police often did not notify parents of children who were arrested, and generally neither parents nor lawyers were present during questioning, despite laws to the contrary. Children often were intimidated into signing confessions. In March, President Akayev signed into law numerous changes in the criminal code, making statements obtained from suspects in the absence of an attorney inadmissible in court. Other changes require the presence of a suspect's attorney in order to extend a suspect's time in detention. The law also authorizes house arrest for certain types of suspects.

The procurator has the discretion to hold suspects in pretrial detention for as long as 1 year, but regulations provide for provisional release before trial. There was a functioning bail system. After 1 year, the prosecutor general is required to seek an extension from Parliament or release the suspect. There have been no known instances in which Parliament was asked to extend a detention.

Unlike in previous years, there were no reports that the Government used charges of economic crimes, such as tax evasion, in order to arrest its opponents.

The Government detained demonstrators (see Section 2.b.).

The Government continued to express concern about groups that it viewed as extremist with either radical religious or political agendas. During the first half of the year security forces investigated 40 persons and initiated criminal proceedings against 32 for possession or distribution of literature inciting ethnic or religious hatred. Most of those investigated were associated with the extremist Islamist political organization Hizb ut-Tahrir, an extremist political organization founded in 1953 in Jordanian-administered East Jerusalem and headquartered in London. Although Hizb ut-Tahrir maintained that it was committed to nonviolence, the party's strongly anti-Semitic and anti-Western literature called for secular governments, including in the country, to be replaced with a world-wide Islamic government called the Caliphate.

Although Hizb ut-Tahrir was banned, police officials have stated publicly that membership in the organization itself is not a crime. Rather, Hizb ut-Tahrir members charged with crimes were usually accused of possession and distribution of its literature (see Section 2.b.).

On March 29, the Government signed an extradition agreement with the Government of China. The agreement grants no exemptions for suspects who may face politically motivated torture or execution upon their return to China.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the executive branch continued to dominate the judiciary.

Lawyers and citizens commonly believed that most judges were open to bribes or susceptible to outside pressure, and low salaries remained a mitigating factor. The Constitution gives the President the authority to appoint judges at all levels, who must be confirmed by the lower house of Parliament. The President may dismiss judges on the Supreme Court and Constitutional Court only with the approval of a two-thirds majority of the lower house of Parliament. The Constitution provides that local laws determine provisions for dismissal of judges of local courts.

Cases originate in local courts and can move to appeals courts at the district or regional level and finally to the Supreme Court. There were separate military courts as well as a separate arbitration court system for economic disputes.

Amendments to the Constitution in 2003 designated the Supreme Court the highest judicial body for civil, criminal, and administrative judicial proceedings. The Constitutional Court has responsibility for determining the constitutionality of laws, resolving disputes concerning the interpretation of the Constitution, and determining the validity of presidential elections. The Constitutional Court cannot intervene with actions of the Supreme Court, except in cases related to the Constitution. Only the President, Parliament, the Cabinet of Ministers, and the Central Election Commission can appeal to the Constitutional Court. The Court has specific authority to determine the constitutionality of activities by NGOs, political parties, and religious organizations.

Defendants are afforded the same constitutional protections in both military and civilian courts, although military court proceedings can be closed to the public. A civilian can be tried in a military court if one of the co-defendants is a member of the military. Military court cases can be appealed to a military appellate court and ultimately to the Supreme Court.

Traditional elders' courts consider property and family law matters and low-level crime. Local elders' courts are under the supervision of the procurator's office but do not receive close oversight since many are located in remote regions. However, decisions of elders' courts can be appealed to the corresponding municipal court.

The procurator, not the judge, is in charge of criminal proceedings. The procurator brings cases to court and tries them before a judge and two people's assessors. The court may render one of three decisions: Innocent, guilty, or indeterminate. If

indeterminate, a case is returned to the procurator for further investigation, in which case a suspect may remain under detention.

The law provides for defendants' rights, including the presumption of innocence; however, such rights were not always respected. The judicial system continued to operate, in many cases, under Soviet laws and procedures in which there was no presumption of innocence and the focus of pretrial investigation was to collect evidence sufficient to show guilt. The Criminal Procedure Code provides for an unlimited number of visits of unlimited duration between an attorney and a client. Although official permission for such visits is required, such permission usually was granted.

The law permits defendants and the defense counsel the right to access all evidence gathered by the procurator, attend all proceedings, which were usually public, to question witnesses, and to present evidence. However, these rights were not always respected in practice. Witnesses did not have to present their testimony in court; instead they could affirm or deny their statements with the procurator outside of court. Indigent defendants were provided attorneys at public expense.

Feliks Kulov, leader of the Ar-Namys Party and former parliamentary and presidential candidate, continued to serve concurrent sentences of 7 and 10 years for abuse of power and embezzlement convictions in 2001 and 2002 that resulted from apparently politically motivated prosecutions. On August 5, Kulov was denied parole by an administrative commission at the prison where he was being held. On August 13, the Sokuluk District Court upheld the commission's decision. On November 19, the Supreme Court upheld a lower court's decision that Kulov will not be eligible for parole until November 2005.

There were no reports of other political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government at times violated these prohibitions. The law requires the General Procurator's approval for wiretaps, searches of homes, interception of mail, and similar acts; however, the procurator can give telephone approval for searches, which means that in such cases no written proof exists to verify that a search was approved. In certain cases, law enforcement officers can commence a search and then seek approval within 24 hours. If approval was not given, any evidence seized is inadmissible in court.

In January, five parliamentary deputies discovered listening devices in their offices. In May, a Parliamentary Commission set up to investigate the case released a report that accused the SNB of planting the devices and using them to track the activities of the deputies. As a result of the report, the Legislative Assembly passed a resolution calling on President Akayev to hold the responsible officials accountable and establishing a standing committee to oversee the activities of the security services. No action had been taken to follow up on the Legislative Assembly's resolution by year's end.

On May 14, officials from both the Kyrgyz and Uzbek security services were seen covertly videotaping worshipers at a mosque in Karasuu. The officers were detained by worshipers, who forwarded the tape to the Ombudsman, who then filed an appeal with the General Procuracy and the SNB. Neither the Procuracy nor SNB have taken any action on the appeal.

Unlike in previous years, there were no reports that the SNB conducted surveillance on representatives of the Uighur community. There were unconfirmed reports by citizens active in politics or human rights that their communications were monitored. The Government continued to conduct widespread document checks of some foreigners.

Relatives and fellow villagers of political prisoner Felix Kulov reported SNB surveillance, harassment, and loss of employment because of their alleged support for him.

Family members of Tynchtyk Duulatov, a member of the political council of the Ar-Namys party, reported that unidentified persons made harassing phone calls to their residence and that police visited them several times during the year (see Section 4). In May 2003, Tynchtyk Duulatov fled the country to avoid prosecution for kidnapping, charges believed to be politically motivated.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the Government occasionally restricted these rights. The Constitution also prohibits censorship or dictating what ideas and opinions citizens may express. The law on mass media prohibits the dissemination of government and commercial secrets; inciting war, violence, or intolerance toward ethnic or religious groups; desecration of national norms, ethics, and symbols; pornography; and encroachment on the honor and dignity of a person, the country's libel provision.

Government newspapers, television, and radio continued to receive government subsidies, which permitted the Government to influence their coverage and to apply financial pressure on independent media by fostering unfair competition for scarce advertising revenue. Individuals with close ties to the Government owned and controlled, in part or in full, several major news outlets.

There were approximately 40 to 50 regularly printed newspapers and magazines, 8 of which were state-owned, with varying degrees of independence.

The state printing house, Uchkun, was the primary newspaper publisher in the country, with several small presses located inside and outside of the capital. The nongovernmental Media Support Center (MSC), which the Government registered in 2002, opened an independent printing press in November 2003, which provided a competitive alternative to state-owned printing presses. By October, the press was printing over 50 commercial and political newspapers.

During the year, the Government registered several new independent radio and television stations and no independent media outlets were reported to have closed down for political reasons. In October, the State Commission for Radio Frequencies issued 5-year licenses to nine independent radio and television stations. There were 150 print and 54 broadcast media outlets functioning in the country at year's end. Pyramida television functioned as the only truly independent station in Bishkek, although in August observers expressed concern after a telecommunications company linked to the President's family bought a stake in the station. Foreign media, including the British Broadcasting Corporation, Associated Press, Reuters, and Agency France Press, operated freely. Foreign ownership of media is prohibited by law; however, there was a small degree of foreign ownership of media, through local partners. A number of Russia-based media outlets also operated freely in the country, although the Government considered them local media because they were registered with the MOJ.

During the year, harassment of journalists decreased; however, unknown persons continued to commit acts of violence and intimidate members of the media. In January, the Public Association of Journalists reported that a government newspaper Osh Shamy had received intimidating telephone calls from authorities in response to articles critical of the local administration. Later that month the Osh Shamy office was vandalized; the perpetrator was arrested but later released without charge due to a history of mental illness.

In April, unknown persons beat the 21-year-old son of Zamira Sydykova, editor of independent newspaper ResPublica, resulting in his hospitalization. Sydykova alleged the assault was in retaliation for critical articles in the newspaper.

In June, unknown persons made telephone threats to a local employee of the MSC, as well as to his family. There was some evidence to suggest that the calls resulted from a dispute between the employee and a former colleague from the MSC. The calls stopped after a few weeks.

In February, police closed an investigation into the 2003 death of journalist Ernis Nazalov after determining that Nazalov had drowned (see Section 1.a.).

All media were required to register with the MOJ and receive ministry approval to operate. The Media Law states that registration should take no longer than 1 month, but in practice the process often took much longer. Part of the process included background checks on each media outlet's owner and source of financing, including international donor organizations.

Although the Constitution prohibits censorship, government interference with independent television and radio stations continued. In September, an election official warned an independent television station in Karakol against airing a program on impending local elections. The station ignored the warning and broadcast the program anyway, without incident. The Government used its financial control of various media outlets to indirectly censor reporting.

In March, Pyramida television was forced to broadcast at low power on a UHF frequency for 6 weeks after a transmitter fire. Although the Government claimed that technical issues prevented Pyramida from going back to its usual frequency, employees of the station alleged the Government attempted to keep the station off the air.

In August, the telecommunications company Areopag Trade, reportedly close to President Akaev's son, announced the purchase of an unspecified number of shares of Pyramida TV. Soon after the announcement, most of the top management and news staff left Pyramida for another independent TV station, NTS, which had not yet begun operating. NTS is reportedly owned by a Russian energy company. NTS received a broadcasting license but had not begun to broadcast by year's end.

Libel was a criminal offense. In June, the Parliament refused to pass government-sponsored legislation to decriminalize libel for a second time. During the year, a limited number of government officials used libel suits to harass and apply pressure on both independent and state-owned media. However, there was a significant decline in the use of honor and dignity lawsuits against newspapers by government officials.

Ombudsman Tursunbay Bakir-uulu filed four honor-and-dignity suits, two against the independent progovernment newspaper Vecherniy Bishkek and two against government-owned media outlets, alleging biased and subjective reporting about his work. The Ombudsman offered to drop the lawsuits if the newspapers printed retractions of their stories; however, the newspapers did not print a retraction and lawsuits were still pending at year's end.

In April, a journalist in Talas was sued by a local government official and was found guilty of criminal libel for accusing the official of embezzling funds. The journalist was ordered to pay \$240 (10,000 KGS) to the plaintiff.

In June, Parliamentarian Davran Sabirov filed honor-and-dignity lawsuits against two different independent newspapers. In one of the cases the court opened a criminal libel case against the accused journalist, who was eventually acquitted of all charges.

Vicherny Bishkek filed an antimonopoly complaint against Moya Stolitsa-Novosti (MSN) reportedly in an effort to stifle the independent press. The court initially ruled against MSN and ordered them to raise their prices; however, the decision was being appealed at year's end.

There are no laws regarding Internet media, and there were no credible reports that the Government censored or blocked access to the Internet. The opposition Ar-Namys political party reported that unknown persons hacked into its website, forcing its closure for 2 weeks.

The Government did not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, on occasion the Government restricted this right in practice.

The law requires that authorities receive notification of public gatherings and provides authorities the right to prohibit gatherings under certain conditions.

In October, the Constitutional Court overturned articles of the law on public meetings, which required citizens to get permits for public gatherings, and were widely regarded as vague and too restrictive. The Court ruled that the law was not in compliance with the Constitution, which states only that demonstrators must notify the Government in advance of their intention to demonstrate, rather than requiring governmental permission.

A draft law proposed before Parliament sought to ban all public demonstrations that were not registered 9 days in advance and to designate several government buildings and transportation routes off-limits for any demonstration. Observers noted this effort was to limit opponents' activity in preparation for 2005 elections.

Protests, rallies, and demonstrations were held regularly in front of the President's office, Parliament, and in other public places throughout the country. In most cases, demonstrations took place without interference from authorities. However, there was at least one instance in which security forces forcibly disrupted a demonstration or meeting.

On April 15, dozens of protestors gathered in Bishkek to call for the release of Feliks Kulov. Police arrested 18 protestors before a march commenced. Those detained were charged with holding an unsanctioned march, fined, and released; however, demonstrators later admitted that they had not provided authorities with advance notice of the march. One demonstrator alleged abuse.

Investors in the defunct Renton Company reported that they were denied permission to hold demonstrations 14 times throughout the year. On August 26, police reportedly detained two Renton Company investor demonstrators for 8 hours.

The Constitution provides for freedom of association; however, at times local authorities restricted this right in practice. The Law on Public Organizations, which includes labor unions, political parties, and cultural associations, requires that organizations register with the MOJ. No domestic NGOs were denied registration by the MOJ during the year.

The Constitution prohibits activities of foreign political parties and NGOs, including their representative offices and branches that pursue political goals. The OSCE expressed concern that this provision could limit domestic monitoring and human rights groups, in addition to political parties. During the year, foreign-funded NGOs were generally able to pursue their work free from government interference, although articles critical of some foreign-funded NGOs appeared in state-owned or progovernment media.

The law on NGOs distinguishes them from political parties, labor unions, and religious organizations. In contrast to political parties, NGOs require only at least 3 members. An estimated 7,000-10,000 NGOs operated across the country (see Section 4).

In 2003, the Supreme Court sustained a verdict of the Lenin District Court of Bishkek that banned four organizations it deemed to be extremist for alleged ties to international terrorist organizations: Hizb ut-Tahrir, Islamic Party of Turkestan, Organization for freeing Eastern Turkestan, and Eastern Turkestan Islamic Party.

Arrests and prosecution of persons accused of possessing and distributing literature of the Hizb ut-Tahrir organization continued during the year. Most arrests occurred in the South and involved ethnic Uzbeks; those arrested typically were charged for distribution of literature inciting ethnic, racial, or religious hatred. The MVD reported that during the first half of the year 32 persons were prosecuted for distribution or possession of Hizb ut-Tahrir literature.

#### c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions on freedom of religion, particularly the activities of Islamic groups that it considered to be extremists and a threat to the country. Islam was the most widely practiced faith.

By year's end, Parliament was still preparing a draft law on religion, under discussion since 2001.

The State Commission on Religious Affairs (SCRA) is responsible for promoting religious tolerance, protecting freedom of conscience, and overseeing laws on religion. Under the law, all religious organizations, including schools, are required to register with the SCRA, and each congregation is required to register separately. Several religious organizations reported delays registering with the SCRA. The majority of these were small Christian congregations and Islamic organizations. Religious organizations are also required to register with the MOJ to obtain status as legal entities, which is necessary to own property, open bank accounts, and otherwise engage in contractual activities. Under the tax code, religious organizations are required to pay taxes on commercial activities. The Ministry's registration process is cumbersome, taking a month on average. In practice, the Ministry did not register religious organizations without prior registration by the SCRA.

On May 14, officials from both the domestic and Uzbek security services were seen covertly videotaping worshipers at a mosque in Karasuu (see Section 1.f.).

In December, police raided houses in Osh and the Aravan and Nookat districts, areas of traditional Islamic beliefs, following a recent grenade blast in Osh in November. On November 20, police took four men into detention for failing to supply identity papers and one of the men allegedly threw a hand grenade to escape. Officials maintained the incident was perpetrated by Islamic extremists. Local human rights observers disputed these connections, and alleged that the incident was being used to discriminate against Muslims as well as the country's Uzbek minority.

The Government was concerned about political extremism it believed was disguised as conservative Islam, particularly Wahhabist interpretations (see Section 2.b.).

Law enforcement authorities, including the MVD and the SNB, often played a role in investigating religious organizations and resolving inter religious disputes. Representatives of smaller churches, such as the Church of Jesus Christ, complained of government attempts to hamper their activities.

In 2003, Asan Erkinbayev, a local administration official in the Jalalabad region, closed 7 of the 9 mosques, claiming that they were on state-owned land and that their imams were preaching contradictory views. All of the closed mosques were converted into commercial or public buildings. One of the mosques has since officially registered with the SCRA but remained closed at year's end. Despite complaints from government officials in Bishkek, Erkinbayev refused to reopen any of the mosques.

The Church of Jesus Christ reported that a number of ongoing bureaucratic and legal problems remained unresolved. However, in May the Church reported that the Tax Inspectorate officially closed its investigation into the Church's finances and dropped all demands that the Church pay taxes on donations. Although the Church of Jesus Christ recognized some positive results in obtaining registration of its affiliates, its officials continued to experience difficulties in obtaining the land title for its main church in Bishkek from the SCRA and the Mayor's office.

In July, a representative of the Hare Krishna Society reported that the Society had been repeatedly denied registration with the SCRA since 1996. In August, officials from the SCRA and Interior Ministry visited an apartment used by the Society for religious services. The SCRA officials told the Society that until it is officially registered with the SCRA it can no longer hold even unofficial services. The Hare Krishna Society hired a lawyer to help it with its pending registration.

Missionary groups were required to register with the Government and the SCRA reported that as of July, 166 missionaries were operating in the country. On April 5, a government decree and plan of action was signed instructing the SNB to propose measures to "restrict and prevent the activities of missionaries who propagate religious fundamentalism and extremism and reactionary and Shiite ideas."

Among the proposed groups to be restricted were members of the Ahmadiyya community, a Muslim proselytizing movement, which originated in India and is considered un-Islamic by many traditional Muslims. In May, SCRA officials assured the Ahmadis that their inclusion was a mistake and that the Government would not target the group. There have been no reports of harassment of Ahmadis since May.

Female students who attended public schools continued to be forbidden from wearing religious headscarves (hijab) while in school. The SCRA stated that students who chose to wear clothing that indicated adherence to a particular religion should attend religious schools.

At two schools in the Jalalabad region, two girls were told not to wear the hijab to school; however, when the girls disobeyed the order, no action was taken to stop them and the girls continued to wear the headscarves to school at year's end.

The Government expressly prohibits the teaching of religion and alternate subjects in public schools. However, attendance of



religious schools was permitted.

On June 28, Prime Minister Tanaev announced that the Government would create a special board to review religious literature, noting Hizb ut Tahrir. The Prime Minister had not yet signed the order and no action was taken to create the special board.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice; however, certain policies continued to complicate internal migration, resettlement, and travel abroad.

The law requires that citizens have an official government permit to work and settle in a particular area of the country. Applicants for such a residence permit must file a request for registration with the local police and be able to prove that they have a permanent residence in the area. Homeowners can only legally sell their property to buyers with such permits. Local administrations also tied the availability of utilities and social services to registration; individuals who did not register could be denied access to water, heat, light, subsidized health care, or schooling. Unlike the previous year, there were no reports that law enforcement agencies conducted sweeps and random checks to verify registration of residents. Authorities fined or imprisoned individuals without residence permits.

The law does not provide for or prohibit forced exile, and there were no reports that the Government employed it in practice. The president of the Kyrgyz Committee for Human Rights (KCHR) went into self-imposed exile abroad in May 2003 (see Section 4).

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided some protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commission on Refugees (UNHCR) and other international humanitarian organizations in assisting refugees and asylum seekers. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol.

As of August 1, the UNHCR reported that there were 363 Afghan refugees and 128 Afghan asylum seekers, 5,543 Tajik refugees, 308 Chechen asylum seekers, 5 Uighur refugees from China, 5 Iranian refugees, 4 Iraqi refugees, and 6 Syrian refugees registered with the Government. According to the UNHCR and the Ministry of Foreign Affairs Migration Services Department, authorities provided temporary protection to Chechen asylum seekers. The Government did not grant Chechen refugees official refugee status but allowed them to obtain asylum seeker status, which provided them with some legal protection.

During the year, 14 Afghan refugees were voluntarily repatriated back to Afghanistan. In September, nearly all of the remaining Afghan refugees registered with the UNHCR and the Government either were voluntarily repatriated or accepted resettlement in third countries where they received asylum.

According to the UNHCR, Uighurs remained at risk of deportation or extradition, particularly if they were involved with political and religious activities in China.

The UNHCR maintained programs to provide medical aid, legal advice, and other services to refugees. The UNHCR also worked closely with the Government to develop documents for legal protection.

The Government controlled the movement of some foreign nationals and conducted sweeps in order to find undocumented foreigners. During the year, a total of 13 undocumented foreigners were reportedly arrested for visa violations. Of the 13 arrested, all were released without charges after intervention by the UNHCR. During the year, refugees and asylum seekers continued to be subject to heightened security measures.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, in practice, the Government restricted citizens' ability to do so. President Akayev continued to dominate the Government.

A constitutional referendum held in 2003 was highly flawed and marred by serious irregularities, as were parliamentary and presidential elections held in 2000. During the referendum, election observers noted widespread electoral violations and disputed the Government's turnout and vote count figures. Observed violations included: Manipulation of the ballot count, forged voting results, multiple voting, and voting without supporting documents. There were many occasions in which election officials prevented independent observers from monitoring the election process.

The amended Constitution further increased the President's powers. Under the Constitution, he has a virtual veto on any legislative act and additional powers to dissolve the legislature and dismiss members of the Government, as well as immunity after leaving office. Despite constitutional limitations, Parliament demonstrated a degree of independence by initially rejecting one candidate for a cabinet post and by voting against the President on several important pieces of legislation. According to the Constitution, the Parliament may override Presidential vetoes, which it has done on occasion in the past. The Constitution provides for parliamentary elections every 5 years.

In October, nationwide local elections took place generally without government interference and opposition candidates and parties were allowed to participate freely in the political process; however, domestic observers reported that serious irregularities on election day, including vote tampering, intimidation of voters, and multiple voting, marred voting in some areas. Independent and opposition political parties and NGOs took advantage of provisions in the new electoral code allowing for their participation on electoral commissions. Their participation took place generally free from government harassment or interference; however, progovernment political parties dominated representation on electoral commissions. Several candidates in local elections noted that the new \$24 (1,000 KGS) fee imposed on potential candidates for election was too high for many candidates in poor areas.

During the year, there were 43 registered political parties. The Government occasionally sought to impede the functioning of opposition political groupings and the expression of opposition views in the media (see Section 2.b.). Some opposition politicians and members of prominent NGOs reported incidents of harassment.

On March 8, unknown persons beat Yuri Natochiy, a member of the opposition Ar-Namys party, near his house in Bishkek. After repeated requests by Natochiy and Ar-Namys, police opened an investigation into the case on April 1, resulting in the arrest of one person who was awaiting trial at year's end. On the same day, an unknown person threw a rock through a window on Natochiy's house.

On January 24, President Akayev signed a new election code into law. Domestic NGOs and opposition parties largely saw the new election code as a significant improvement over the previous code. The new code incorporated numerous suggestions from the OSCE and NGOs to improve transparency as well as NGO and political party participation in the electoral process. However, the OSCE determined it did not meet international standards due to vague provisions that could be used to restrict candidate, media, and party rights. There was no report of the Central Election Commission (CEC) using the code to this effect during the October local elections.

The CEC refused to register a number of the country's former ambassadors as candidates for upcoming 2005 parliamentary elections, based on a constitutional requirement that candidates for Parliament must have spent the previous 5 years in the country.

Corruption remained a serious problem at all levels of society. However, the Government took significant steps to address the problem. In February, President Akayev created a Good Governance Council, which was tasked with implementing a Government anticorruption program. In March, the Parliament passed legislation requiring government officials to disclose all sources of income.

The law gives persons the right to request information from the Government, and the Government generally complied with such requests but sometimes took a long time to do so.

There were 7 women in the 105-seat legislature. Women held several high-level government posts, including the Chief Justice of the Constitutional Court, the Minister of Justice, the Vice Prime Minister for Social Welfare, the Minister of Labor and Social Welfare, and the Governor of Issykul Oblast.

There were 19 minorities represented in the 105-seat legislature. Russians and Uzbeks were underrepresented in government positions, although members of minority groups held several top posts, including the Prime Minister, Minister of Agriculture, Minister of Defense, and Minister of Justice. Russian-speaking citizens alleged that a ceiling precluded promotion beyond a certain level in government service. They also alleged that some otherwise qualified candidates were disqualified in elections in previous years on the basis of exams, the fairness of which was questioned (see Section 5). In April, President Akayev signed a new language law requiring, among other provisions, that the President, Prime Minister, Speaker of Parliament, and a number of other unspecified public servants have proficiency in Kyrgyz; however, at the same time the President signed a decree delaying full implementation of the law until 2015 (see Section 5).

#### Section 4 Governmental Attitude Regarding International and

##### Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups generally operated in a sometimes hostile environment and were faced with occasional government pressure to curtail their activities. Despite occasional harassment, the human rights groups faced considerably less pressure and harassment than in the previous year. The Government also made limited efforts to interact with some NGOs and most domestic independent human rights organizations were able to investigate and publish their findings on human rights cases.

Authorities at times made vague threats of criminal prosecution of or otherwise harassed high-profile activists involved in human rights and civil society NGOs and their family members.

For example, in April, three local NGOs reported that local security officials in Issykul region followed and harassed NGO representatives who were attempting to hold a series of roundtable discussions on human rights. In three villages in the region, local officials prevented the NGOs from holding roundtables altogether.

In July, unknown persons made threatening phone calls to the leader of the NGO Interbilim, Asiya Sasykbayeva, after she criticized the Government's handling of elections at a UNDP-sponsored election coordination meeting.

In September, police officials visited the home of a local employee of an international human rights NGO and later accosted the same person on the street after the employee published an article about torture in the country.

Members of the Kyrgyz Committee on Human Rights (KCHR) reported that police monitored their offices and frequently visited them asking questions about the whereabouts of KCHR president Ramazan Dyryldayev.

Dyryldayev remained in self-imposed exile in Vienna, saying he feared imminent arrest should he return to Kyrgyzstan. As of October, Dyryldaev remained under investigation for undisclosed reasons, but no charges were filed.

On July 3, unidentified individuals broke into the house of Ainura Aitbayeva, Dyryldayev's daughter, and assaulted her. Police immediately opened an investigation into the assault, but no arrests were made in the case by year's end.

A number of international groups reported on human rights problems in the country. The Government met with international NGOs regarding their work in the country, which was viewed as a positive step towards a constructive dialogue between the Government and NGOs. The Government generally cooperated with international governmental organizations.

The Ombudsman's Office, whose mandate is to act as an independent advocate for human rights on behalf of private citizens and NGOs, actively worked to advocate for individual rights. The Ombudsman has the authority to recommend cases for review to courts, including the Constitutional Court and Supreme Court. During the first half of the year, the Ombudsman's Office received 6,469 appeals, most having to do with official corruption. According to the Ombudsman, approximately one third of those appeals were resolved successfully. In July, the Ombudsman made two appeals to the MOJ regarding the case of Feliks Kulov, claiming that Kulov should have been eligible for parole in August.

Parliament's Committee on Human Rights drafts and approves legislation before it goes before the full Parliament. The Committee also reviews all draft legislation that has a human rights component. In addition, the Democratic Security Council under the President is nominally tasked with protecting human rights in the country; however, it remained relatively inactive during the year.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides for the rights and freedoms of individuals and prohibits discrimination; however, in practice there was discrimination against women, persons with disabilities, and ethnic minorities.

##### Women

The law specifically prohibits domestic violence and spousal abuse; however, violence against women remained a problem. Interior Ministry statistics indicated that during the year over 200 sexual crimes against women were reported, but actual figures were probably significantly higher. NGOs estimated the number could be up to ten times the reported figure. Some estimates indicated domestic violence constituted between 40 and 60 percent of all crimes committed against women. Many crimes against women were not reported due to psychological pressure, cultural traditions, and apathy of law enforcement officials.

Several local NGOs provided services for victims of domestic violence, including legal, medical, and psychological assistance, a crisis hotline, shelters, and prevention programs. Organizations involved with battered women also lobbied for new laws on domestic violence.

Rape, including spousal rape, is illegal. Activists noted that rape was more common, although it was not clear whether this was due primarily to increased reporting of attacks. There were 136 rapes reported during the first 8 months of the year, 92 of these cases resulted in prosecutions.

Although a law prohibits the custom, some rural inhabitants continued the traditional practice of kidnapping women and girls for forced marriage. One study indicated that up to one-third of ethnic Kyrgyz women living in the northern part of the country might be married against their will as a result of this practice. Many of the victims of forced marriage also reported to researchers that they were raped at the time that they were kidnapped. Cultural traditions discouraged victims from going to the authorities.

In December, the Government supported a NGO-sponsored Campaign Against Violence and Bride Kidnapping conducted for high school and college students, government officials, law enforcement officers, and medical personnel. Participating NGOs distributed information materials, produced television documentaries, performed a short play on bride kidnapping, and held discussions on domestic violence and trafficking in persons. NGOs reported an increase of calls to NGO antitrafficking hotlines following the campaign.

Prostitution was not a crime, although the Criminal Code outlaws the operation of brothels, pimping, and recruiting persons into prostitution, with penalties of up to 5 years. With no legal measures in place to regulate the industry, it was increasingly a problem.

Trafficking in women for the purpose of sexual exploitation and forced labor was a problem (see Section 5, Trafficking).

Sexual harassment is prohibited by law; however, it was a problem. Penalties range from fines to imprisonment.

The law gives equal status to women, and they were well represented in the work force, in professions, and in institutions of higher learning; however, discrimination against women persisted in practice. Family law prohibits divorce during pregnancy and while a child is younger than 1 year of age. In February, the President signed a decree requiring analysis of all legislation from the point of gender equality. In November, the Government enacted an action plan to eliminate all forms of discrimination against women, based on the U.N. Convention on Elimination of Discrimination of Women, outlining activities and assigned government agencies responsible for implementation and reporting.

Women were prominent in law, medicine, accounting, and banking and played an active role in the rapidly growing nongovernmental sector. However, deteriorating economic conditions had a severe effect on women, who were more likely than men to lose jobs. Average wages for women were substantially less than for men. Women made up the majority of pensioners, a group that has particularly suffered as a result of the country's economic downturn. With the end of communism, traditional attitudes toward women reasserted themselves strongly in the countryside, where women were relegated to the roles of wife and mother, and educational opportunities were curtailed. Data indicated that women were less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently.

The National Council on the Issues of Family, Women and Gender Development, under the President, is designated to address women's issues.

Over 200 NGOs dealing with women's problems operated in the country during the year. Women's organizations focused on violence against women, gender equality, women's reproductive health, women's involvement in politics, and education in women's rights.

#### Children

The Government was generally committed to the rights and welfare of children; however, the Government lacked resources to fully address basic needs for shelter, food, and clothing.

The Constitution states that education is compulsory and free of charge for the first 9 years, or until age 14. The Law on Education and the Law on Protection of Children's Rights require that secondary education be free and universal; however, financial constraints prevented the Government from providing free basic education for all students. Families that kept children in public schools often had to pay burdensome administrative fees, despite the fact that charging such fees was illegal. Girls and boys attended school in equal ratios. In 2002, the primary school enrollment ratio was 98 percent for both girls and boys, according to UNICEF. The secondary school enrollment ratio was 75 percent for boys and 83 percent for girls. In 2003, only approximately 5 percent of students attending school dropped out during the year. The law penalizes parents who do not send their children to school or who obstruct their attendance; however, this law was only spottily enforced, particularly in rural areas. The Government has continued to fund the work of two programs to provide benefits for low-income children and children with disabilities, such as school supplies and textbooks.

The Government provided health care for children and boys and girls had equal access to care. According to UNICEF, the Government financed 18 percent of routine vaccinations. The system of residence registration restricted access to social services, including healthcare and education, for children that belonged to certain groups, such as refugees, migrants, internally displaced persons, and noncitizens (see Section 2.d.).

Child abuse continued to be a problem. Traditional social practices were inadequate to cope with social pressures that affect families.

Trafficking of children for the purposes of sexual exploitation and labor remained a problem (see Section 5, Trafficking).

There were increasing reports of abandonment due to parents' lack of resources to care for children, which led to larger numbers of children in institutions, foster care, or on the streets. State orphanages and foster homes also faced a lack of resources and often were unable to provide proper care. Some children too old to remain in orphanages were transferred to mental health care

facilities, even when they did not exhibit mental health problems.

Child labor was a problem (see Section 6.d.).

Many children left home because of abusive or alcoholic parents or desperate economic conditions. The Government reported that the number of street children nationwide was approximately 2,000, although NGOs reported the number might be as high as 15,000. Approximately 80 percent of street children were internal migrants. Street children were detained and either sent home (if an address was known) or to a rehabilitation center or orphanage. The MVD maintained two centers, one each in Bishkek and Osh. The two rehabilitation centers were in poor condition and lacked sufficient food, clothes, and medicine.

Human rights groups and the Kyrgyz Children's Fund (KCF) monitored the condition of children and advocated for child rights. The Government's Commission on the Affairs of Under-Age Children worked as a focal point for the Government's activities to protect the rights of children and provided a forum for discussing and coordinating responses to children's problems.

The KCF had shelters in Bishkek and Issyk-Kul to provide food, clothing, and schooling for approximately 150 children. The Svetlii Put shelter received training assistance from UNICEF and cared for an average of 62 children per month during the year. The SOS Children's Village, funded by the Austrian organization Kinder Dorf International and other foreign and domestic organizations, also cared for approximately 120 orphans. In August 2003, the Meerim Fund established the Altyn Balalyk (Golden Childhood) Village.

#### Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within in the country. Trafficking remained a persistent problem and victims alleged that government officials facilitated, or were complicit in, trafficking. However, the Government made significant efforts to address trafficking including prosecuting several officials involved in trafficking and improving assistance to victims.

In 2003, the Government criminalized trafficking. Under the new law, trafficking in persons, including organizing illegal migration, is punishable by up to 20 years in prison. Other laws used to prosecute traffickers included kidnapping, trading in children, recruiting persons for exploitation, coercion into prostitution, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws was 15 years. During the year, 51 trafficking-related cases were initiated, 12 of which were prosecuted under the new trafficking in persons law, resulting in a total of 16 convictions, 6 of which were under the new law. Prosecution was difficult due to victims' reluctance to file charges either out of fear, mistrust, or the social stigma attached to trafficking crimes.

In May, the Ministry of Internal Affairs officially opened a designated antitrafficking police unit. A National Council was responsible for coordinating government efforts to implement the 2002 Antitrafficking Plan of Action. Although the Government lacked adequate resources to implement many aspects of the program, it actively participated in and helped implement numerous NGO and other foreign-donor sponsored antitrafficking programs. The Government cooperated actively with both international organizations and other countries to combat trafficking in persons. Authorities developed antitrafficking cooperation with counterparts and maintained close working level relations with a number of countries to combat trafficking. The General Procurator's Office, SNB, and MVD continued to cooperate with the NGO Sezim.

The Government actively investigated firms that sent individuals to work abroad to ensure they were in compliance with licensing laws. The director of the Osh Region Migration Service reported that five companies illegally recruiting migrant workers were closed down and that criminal proceedings were initiated against two of them. An NGO in Osh reported that two other firms were closed for illegally recruiting people to work in the United Arab Emirates (UAE), Russia and Belarus.

Inadequate training of law enforcement officers in identifying and fighting trafficking in persons hindered their ability to effectively combat the problem. In April, the Government provided new office space and began paying the salaries for the two staff members of the National Council's Secretariat.

The country was primarily a source and transit point for trafficked persons, although there were a few reports of the country being a destination for women trafficked as prostitutes. Although there were no reliable estimates for the number of persons trafficked annually, the International Organization for Migration (IOM) reported that approximately 4,000 women and 7 boys were trafficked abroad in 1999. The NGOs Podruga and Sezim reported that they received over 2,500 calls to hotlines during the year.

The country was a transit point for individuals trafficked mostly from Uzbekistan and Tajikistan to the West, mainly to Turkey and Eastern Europe. The exact number of those in transit was unknown. The country was a source for trafficked women and girls, largely to the UAE, Turkey, and South Korea for the purpose of sexual exploitation; of labor migrants to Kazakhstan, Russia, and South Korea; and for trafficked persons largely to Kazakhstan and Russia for forced labor. Since 2002 the number of individuals trafficked to Kazakhstan and Russia for work in the agricultural and industrial sectors has declined largely due to bilateral agreements with Russia and Kazakhstan on labor migration. In May, the Ministry of Foreign Affairs estimated that there were approximately 2,500 women from the country working abroad in the sex industry, some of whom may be trafficking victims, the majority of them in the UAE.

According to the Osh Migration Service, hundreds of destitute southerners were trafficked to Kazakhstan as forced laborers on tobacco plantations, although this practice declined significantly since the signing of a 2003 bilateral labor agreement between the country and Kazakhstan.

There were some instances of trafficking of children, some as young as age 10, for prostitution and labor (see Section 6.d.). A flourishing commercial sex industry drew girls as young as age 10 from destitute mountain villages.

Groups targeted by traffickers included young under- or unemployed women who were unable to earn a living. Poor economic conditions, high unemployment, particularly in the South, and gender inequality made young women and poor workers vulnerable to traffickers who exploited them by offering lucrative jobs or marriage offers to rich men abroad. Often women were lured abroad, via newspaper advertisements or announcements over loudspeakers in local bazaars. Women responding to job offers for waitresses, au pairs, or dancers, or to marriage agencies could find themselves abroad without documents or money for return tickets and forced to work for their traffickers.

Traffickers were often persons who previously operated local prostitution networks. Relatives or close family friends were also reportedly used to recruit trafficking victims. Tour agents, restaurants, and nightclubs supplemented their activities by trafficking young women to foreign prostitution rings. Traffickers of persons for sexual exploitation included organized crime rings that often use former trafficking victims as recruiters. Labor trafficking was much less organized and often involved freelancers who simply load persons onto buses and transport them to the country for work on farms.

Endemic corruption impeded the Government's progress on trafficking. Victims reported highly organized trafficking operations that often involved the cooperation of local police, immigration officers, and airport security. Observers believed that some government authorities facilitated or have otherwise been complicit in trafficking activities. In February, Kyrgyz police arrested three persons involved in a trafficking scheme, including an immigration official and a former employee of the state passport department. Two of the three were charged under the new trafficking in persons law; the third individual was still under investigation at year's end.

The Government does not provide foreign trafficking victims temporary residence status or criminal immunity for violations committed as a consequence of their trafficked condition. There were no reports that the Government deported foreign victims of trafficking during the year. Many of those who transited the country were abandoned by traffickers and lived in hiding out of fear of being discovered by authorities. The OSCE and IOM reported that many of those who returned from commercial work overseas stated that they were forced to pay bribes to law enforcement officials to avoid imprisonment for having improper or falsified travel documents, although border authorities reported that Kyrgyz victims who admitted to the use of false documents or illegal entry into the country were not penalized.

According to NGOs, the Government did not directly assist trafficking victims, including those repatriated, with any special services or care facilities, but it increasingly referred returned victims to private shelters such as Sezim. In November, the Government provided a 10-room space for Sezim as a replacement of its previous shelter quarters, free of charge. Sezim provided shelter for 80 adults and 24 children. Numerous NGOs conducted workshops for law enforcement officers. A number of NGOs, including Women's Support Center, TAIS-Plus, New Chance Sezim and Podruga, provided legal, medical, and psychological counseling and assistance, and economic aid to trafficking victims. In addition to the Sezim shelter, in July an IOM-sponsored shelter for trafficking victims opened in Osh. Several NGO-sponsored media articles, public service announcements, and a traveling theater show publicized the dangers of working abroad, and posters on public transport raised public awareness of the problem. Numerous NGOs ran hotlines for victims.

The IOM, OSCE, various local organizations, and foreign governments sponsored various preventive programs, including antitrafficking public service announcements, roundtables, and workshops to increase awareness among the government, nonprofit, tourism, and media sectors. During the year, the IOM provided assistance to 24 victims. The Government carried out or participated in a number of antitrafficking and education campaigns.

#### Persons with Disabilities

There was discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services. The law mandates access to buildings for persons with disabilities; however, the Government generally did not enforce these provisions in practice. The law provides for convenient access to public transportation and parking for persons with disabilities, subsidies to make mass media available to the hearing or visually impaired, and free plots of land for the construction of a home; however, in practice, few special provisions were in place to allow persons with disabilities access to transportation, public buildings, and mass media. In addition, persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population. The lack of resources made it difficult for persons with disabilities to receive adequate education. Social facilities for persons with mental disabilities were severely strained, due to low budgets and heavy workloads.

A mental health advocacy group reported that respect for the rights of patients as well as conditions within psychiatric hospitals improved during the year; however, serious problems remained. The Government was unable to provide basic needs such as food, water, clothing, heating, and healthcare, and facilities were often overcrowded. Inadequate funding played a critical factor. Patients were often admitted involuntarily, including children too old to remain in orphanages. Patients were engaged in forced labor on hospital grounds (see Section 6.c.). The NGO Mental Health and Society continued its work with the Ministry of Health

to develop programs aimed at improving conditions in psychiatric hospitals.

The Government provided support to a network of enterprises operated by the Society for Blind and Deaf and education programs for persons with disabilities. Numerous NGOs worked to improve conditions and provide services for children with disabilities.

#### National/Racial/Ethnic Minorities

There were reports of discrimination in the treatment of citizens who were not ethnic Kyrgyz. Minorities alleged discrimination, including from officials at all levels, in hiring, promotion, and housing. The latest statistical data released in August reflected the following ethnic breakdown of the population: 67.4 percent Kyrgyz; 10.3 percent Russian; 14.2 percent Uzbek; 1.1 percent Dungan (ethnic Chinese Muslims); and 1 percent Uighur. Other ethnic groups, including Tatars and Germans, comprised 6.0 percent of the population.

Low-level authorities at times harassed and discriminated against Uighurs. Some Uighurs reported discrimination in employment and negative societal attitudes and media coverage of their community, although there was a large number of Uighur-owned small businesses that operated without harassment during the year.

In May, an Uighur representative alleged that unknown persons had threatened him over the telephone and warned him to stop his work with the Radio Free Asia Uighur-language service. Since then he has reported no further threats. The threats were believed to be mostly media driven.

In December, police raided houses in Osh and the Aravan and Nookat districts, where a large Uzbek community resides, following a recent grenade blast in Osh (see Section 2.c.).

The Constitution designates Kyrgyz as the state language and Russian as an official language and provides for preservation and equal and free development of minority languages. Russian-speaking citizens alleged that a ceiling precluded promotion beyond a certain level in government service. They also alleged that some otherwise qualified candidates were disqualified in elections in previous years on the basis of exams, the fairness of which was questioned. The Government did not take any action on a 2002 request by ethnic Uzbeks requesting that Uzbek be granted the status of a state language. However, both Uzbek and Russian are widely used both officially and unofficially. In April, President Akayev signed a new language law requiring, among other provisions, that the President, Prime Minister, Speaker of Parliament, and a number of other unspecified public servants have proficiency in Kyrgyz. However, at the same time the President signed a decree guaranteeing certain rights of non-Kyrgyz speakers and delaying full implementation of the new law until 2015.

#### Section 6 Worker Rights

##### a. The Right of Association

The law provides for the right of all workers to form and belong to trade unions, and workers exercised this right in practice. The Federation of Trade Unions (FTU) remained the only trade union umbrella organization in the country, although unions were not required to belong to it. The Federation has 1.024 million members, or 56.4 percent of the country's employed workforce. Growing numbers of smaller unions were not affiliated with the umbrella organization. One of the largest of these was the Union of Entrepreneurs and Small Business Workers, with a membership of approximately 50,000. The Federation must approve all draft legislation affecting workers' rights.

##### b. The Right to Organize and Bargain Collectively

The law recognizes the right of unions to organize and bargain collectively; however, there were no cases of workers exercising this right during the year. The Government set the minimum wage, after which each employer set its own wage level.

While the right to strike was not codified, it was not prohibited; however, there were no strikes during the year.

There are Free Economic Zones (FEZs) that function as export processing zones. The minimum wage law does not apply to the approximately 4,250 workers in FEZs; however, all other labor laws apply.

##### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 5).

The press continued to report that citizens were forced to work without pay on tobacco farms in Kazakhstan, although this practice declined significantly since the signing of a bilateral labor agreement between the Government and Kazakhstan. A number of NGOs also reported that up to 250 Kyrgyz citizens were being held against their will in China as collateral for loans.

The director of the Osh Region Migration Service reported that five companies that illegally recruited migrant workers were closed down and that criminal proceedings were initiated against two of them. An NGO in Osh reported that two other firms were closed for illegally recruiting persons to work in the UAE, Russia, and Belarus.

There were reports that patients in psychiatric hospitals were routinely used for unauthorized labor on hospital grounds and as domestic service for doctors and local farmers. The patients allegedly did not have a choice to refuse and were only paid with food.

#### d. Prohibition of Child Labor and Minimum Age for Employment

On August 4, the Government passed a new Labor Code, which provides for the protection of children from economic exploitation and from work that poses a danger to their health, or spiritual, physical, mental, or academic development. The National Human Rights Program for 2002-10 also contains provisions aimed at eradicating exploitative child labor. According to the Labor Code, the minimum age for basic employment was 16, except for certain limited circumstances including odd jobs such as selling newspapers.

The new Labor Code eliminates previously contradictory requirements for the minimum age of employment of children in work that could harm their physical and moral well-being (such as employment in casinos, bars, and night clubs). In addition, a 2002 decree banned the employment of persons under 18 in a wide variety of categories of employment involving difficult or dangerous conditions, including such sectors as the metal or oil and gas industries, mining and prospecting, food industry, entertainment, and machine building.

For children between 14 and 15 years of age, the maximum daily hours of work is 5 hours, and for children between 16 and 18 years it is 7 hours a day. These laws also apply to children with disabilities who work.

Child labor was a problem and was still widespread both in towns and rural areas. According to participants in a 2002 conference on child labor, child laborers were prevalent in the following sectors: Tobacco, cotton, rice, cattle breeding, gasoline sales, car washing, shoe cleaning, retail sales of tobacco and alcohol. Families traditionally were large, and they considered it necessary at times for children to work at an early age to help support the family. Children also were involved in family enterprises such as shepherding, bread baking, selling products at roadside kiosks, and growing fruits and vegetables.

According to reports from various NGOs, child labor was particularly evident in the South. During the fall, classes were cancelled, and children were sent to fields to pick cotton. During the summer, children worked during the tobacco harvest and were involved in all steps of production. Schools required children to participate in the tobacco harvest, some fields were located on school grounds, and the income went directly to the schools, not to the children.

Internal trafficking of children for the purposes of sexual exploitation and labor remained a problem (see Section 5). Children were generally trafficked from poor rural areas to Bishkek and Osh.

The procurator's office and the State Labor Inspectorate were responsible for enforcing employers' compliance with the Labor Code laws. During the year, the State Labor Inspectorate had 54 inspectors throughout the country. During the first 6 months of the year, the General Procurator's Office conducted 17 checks, resulting in 5 written notifications, 10 demands for immediate action, 11 warnings, and 1 disciplinary action. Since many children worked for their families or were "self-employed" in such occupations as selling newspapers, pushing handcarts at markets, and selling cigarettes and candy on the streets, it was difficult for the Government to determine whether their work schedules and environment conformed to government regulations. The Legislative Assembly's Committees of Health Protection, Women and Family, and Education, Science, and Cultural Affairs oversaw the legal protection of the interests of minors whenever new laws were discussed in Parliament. Compliance with the labor code was enforced by trade unions. The Federation of Trade Unions also had the right to carry out child labor inspections when it received a complaint; there were no inspections during the year.

Given its budget constraints and lack of resources, the Government was unable to enforce child labor laws adequately. Although employers caught violating the Labor Code could be charged with disciplinary, financial, administrative, or criminal penalties, punishment was usually minimal.

The Government supported several social programs to prevent the engagement of children in exploitative child labor. Araket, a national poverty reduction program, provided financial support for low-income families. New Generation, a children's rights program, worked to define suitable working conditions for children and to introduce new methods of monitoring employers' compliance with labor legislation.

The Government undertook additional initiatives to help protect minors from forced labor; however, since the budget was facing severe funding constraints, many children who were entitled to receive help did not receive it.

#### e. Acceptable Conditions of Work

The Government mandated national minimum wage of approximately \$2.30 (100 KGS) per month did not provide a decent



standard of living for a worker and family. However, industries and employers generally paid somewhat higher wages. The Federation of Trade Unions was responsible for enforcing all labor laws, including the Law on Minimum Wages; minimum wage regulations were largely observed. Salaries in the health care field were among the lowest, averaging \$21.60 (943 KGS) per month. Although the enforcement of labor laws was nonexistent in the growing underground economy, market forces helped wages in the unofficial sector keep pace with official wage scales.

The standard workweek was 40 hours, usually within a 5-day week. For state-owned industries, there was a mandated 24-hour rest period in the workweek.

Safety and health conditions in factories were poor. A deterioration in enforcement of existing regulations continued to hamper investment to improve health and safety standards. The State Inspectorate of Labor was responsible for protecting and educating workers as well as informing business owners of their respective rights and responsibilities. The law establishes occupational health and safety standards, as well as enforcement procedures. Besides government inspection teams, trade unions were assigned active roles in assuring compliance with these laws, but compliance was uneven among businesses. The State Labor Inspectorate was tasked with carrying out inspections for all types of labor issues but rarely did so in practice. Workers had the right to remove themselves from workplaces that endangered their health or safety without jeopardy to their employment, and workers exercised this right in practice.